



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,070	04/24/2001	Sergey N. Razumov	59036-017	2177

7590 01/06/2005

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,070

Applicant(s)

RAZUMOV, SERGEY N.

Examiner

Mark Fadok

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 5/5/2004, which was received 7/22/2004. Acknowledgement is made to the cancellation of claim 13 and the amendment to claim 14. The applicant's amendment was sufficient to overcome the USC 112 rejection and that rejection has been removed. The applicant's arguments in regards to the meets and bounds were convincing, however, after careful review a new grounds of rejection on the merits is provided below.

Drawings

The drawings filed on 4/24/2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamata (6,336,100) in view of Domain (5,158,155).

In regards to claim 1, Yamada discloses an advance ordering system for enabling a customer to order a purchase in advance (abstract),

at least one storage facility for storing goods available for ordering (FIG 1 items 4 and 5), and

multiple purchase obtaining facilities remote with respect to the storage facility, for enabling the customer to obtain the ordered purchase delivered from the storage facility after receiving an order for the purchase from the customer (FIG 1, item 9),

Yamada teaches on-line shopping then picking up at a remote location (convenience store) product shipped from a storage facility (manufacturer) for pick up by the customer (FIG 1) along with identifying data for picking up the order (FIG 12), but does not specifically mention all the particulars of the instant invention in regards to the pick up facility. Domain teaches a pick up facility that has a plurality of pick up stations that direct customers to the proper pick up station for easy pick up and processing of a customer order. It would have been obvious to a person having ordinary skill in the art to include in Yamada using the pick up facility of Domain, because Vendors operating convenience markets often find themselves disadvantaged when competing with the larger grocery and department stores for customers who are willing to sacrifice convenience for a larger product or service selection. Providing a shopping facility that presents a large variety of goods and services to consumers, and enables consumers to receive their desired goods and services in a fast and convenient manner would attract both types of consumers (Domain col 1, lines 50-60).

In regards to claim 2, the combination of Yamada and Domain teaches wherein the drive-through purchase obtaining facility where the ordered purchase is picked up is remote with respect to a location for placing the order (see response to claim 1).

In regards to claim 3, the combination of Yamada and Domain teaches wherein the drive-through purchase obtaining facility comprises multiple pick-up stations, each of the pick-up stations being arranged for enabling the customer in the vehicle to pick up the ordered purchase delivered to the vehicle (Domain FIG 1).

In regards to claim 4, the combination of Yamada and Domain teaches wherein the drive-through purchase obtaining facility further comprises a control station responsive to identification (ID) data identifying the customer for automatically assigning a pick-up station of the multiple pick-up stations to the customer (see response to claim 1 “automatic” and Domain col 5, lines 10-40, col 8, lines 5-10 “order”).

In regards to claim 5, the combination of Yamada and Domain teaches wherein the ID data provides information on the purchase ordered by the customer (col 3, lines 65 – col 4, line 15).

In regards to claim 6, the combination of Yamada and Domain teaches wherein the drive-through purchase obtaining facility further comprises a service facility for handling purchases delivered from the storage facility (see response to claim 1).

In regards to claim 7, the combination of Yamada and Domain teaches wherein the control station is responsive to the ID data of the customer for providing the service facility with a request to deliver the ordered purchase to the pick-up station assigned to the customer.

In regards to claim 8, the combination of Yamada and Domain teaches wherein the control station enables the customer to enter the drive-through purchase obtaining facility only after the customer is identified (Domain col 16, lines 45-67).

In regards to claim 9, the combination of Yamada and Domain teaches wherein the drive-through purchase obtaining facility further comprises at least one check-out station for enabling the customer to check out the ordered purchase without leaving the vehicle (Domain col 17, lines 20-35).

In regards to claim 10, the combination of Yamada and Domain teaches wherein the pick-up station is released from being assigned to the customer after the ordered purchase is checked out (Domain col 17, lines 20-35).

In regards to claim 11, the combination of Yamada and Domain teaches wherein the check-out station enables the customer to exit the drive-through purchase obtaining facility only after the ordered purchase is checked out (col 17, lines 20-35).

In regards to claim 12, the combination of Yamada and Domain teaches wherein the pick-up station includes a check-out arrangement for enabling the customer to automatically check out the ordered purchase (col 8, lines 1-13).

Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamata (6,336,100) in view of Domain (5,158,155) and further in view of Official Notice.

In regards to claim 2, Yamada discloses a method of selling goods, comprising the steps of: storing the goods available for sale in a storage facility (FIG 1Items 4 and 5),
enabling a customer to order a purchase (FIG 2),

Yamada teaches delivering a product from a remote storage facility to a pickup station that is convenient to the on-line shopper (FIG 1), but does not specifically mention that the pickup station has multiple pick-up stations, each arranged for enabling the customer in a vehicle to pick up the ordered purchase delivered to the vehicle, and automatically assigning to the customer one of said multiple pick-up stations when the customer arrives at the drive-through purchase obtaining facility. Domain teaches multiple pick-up stations, each arranged for enabling the customer in a vehicle to pick up the ordered purchase delivered to the vehicle, and assigning to the customer one of said multiple pick-up stations when the customer arrives at the drive-through purchase

Art Unit: 3625

obtaining facility (see summary). It would have been obvious to a person having ordinary skill in the art to include the Yamada the pickup station as taught by Domain, because this would offer a convenient method for a customer to pick up the product without having leave their cars which has been notoriously well known as a desirable method for pick up of products (e.g. Walgreen and McDonalds drive through). In regards to the assignment of the pickup lane when the customer arrives at the facility being done automatically. Domain teaches directing the customers in their vehicles to one of several pickup stations (col 9, lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to automatically direct a person to the proper checkout station, since it has been held that broadly providing automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192. Domain would be motivated to use this automation because this would save money by not having a person to direct the customer to the proper isle, thus saving money and expense on the individual's payroll.

In regards to claim 15, the combination of Yamada and Domain teaches wherein said one of the multiple pick-up stations is assigned to the customer in response to ID data identifying the customer (see response to claim 14 "automatic" and col 5, lines 10-40, col 8, lines 5-10 "order")

In regards to claim 16, the combination of Yamada and Domain teaches wherein a request to deliver the ordered purchase to the assigned one of the multiple pick-up stations is generated simultaneously with assigning said one of the multiple pick-up stations (Domain col 8, lines 15-55).

In regards to claim 17, the combination of Yamada and Domain teaches wherein said one of the multiple pick-up stations is assigned to the customer in response to ID data identifying the ordered purchase (domain col 7, line 30- col 8, line 13).

In regards to claim 18, the combination of Yamada and Domain teaches wherein a request to deliver the ordered purchase to the assigned one of the multiple pick-up stations is generated simultaneously with assigning said one of the multiple pick-up stations (Domain col 8, lines 15-55).

In regards to claim 19, the combination of Yamada and Domain teaches the step of enabling the customer to check out the ordered purchase without leaving the vehicle (Domain col 8, lines 10-13).

In regards to claim 20, the combination of Yamada and Domain teaches the step of releasing the pick-up station from being assigned to the customer after the ordered purchase is checked out (Domain col 7, lines 35-40).

In regards to claim 21, the combination of Yamada and Domain teaches the step of enabling the customer to automatically check out the ordered purchase at said one of the multiple pick-up stations (Domain col 8, lines 10-13).

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain (5,158,155) and further in view of Official Notice.

In regards to claim 22, Domain teaches enabling a customer to order items them have the assigned to multiple pickup stations (abstract). In regards to the assignment of the pickup lane being done automatically. Domain teaches directing the customers in their vehicles to one of several pickup stations (col 9, lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to automatically direct a person to the proper checkout station, since it has been held that broadly providing automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192.

In regards to claim 23, Domain teaches wherein the pick-up stations enable the customer to obtain the purchase ordered in advance from a remote location (Abstract).

In regards to claim 24, the combination of Yamada and Domain teaches wherein said one of the multiple pick-up stations is automatically assigned to the customer in response to ID data identifying the ordered purchase (see response to claim 22 "automatic and (col 5, lines 10-40, col 8, lines 5-10 "order").

Response to Arguments

Applicant's arguments with respect to claims 1-12 and 14-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.



Mark Fadok

Patent Examiner